



11 APR 2007

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In re Application of	:	
WALTHER et al.	:	
Serial No.: 10/589,213	:	DECISION ON
PCT No.: PCT/EP05/01051	:	
Int. Filing Date: 03 February 2005	:	SUBMISSION
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 4100-410PUS	:	UNDER 37 CFR 1.497
For: APPLICATION OF RFID LABELS	:	

This is a decision on applicants' submission under 35 U.S.C. 371 and 37 CFR 1.497, filed on 05 December 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 August 2006, within the thirty month period, applicant filed a Transmittal Letter requesting U.S. national stage entry for PCT/EP05/01051.

On 05 December 2006, applicant, *sua sponte*, filed one four page declaration, naming four inventors. The declaration was executed by the sole inventor Thomas Walther and also signed by REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING, who were not named as inventors in the published international application.

DISCUSSION

A review of the published international application PCT/EP05/01051 reveals that Thomas Walther is the sole named inventor. Applicant did not provide an Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as co-inventors under PCT Rule 92*bis*.

The declaration submitted on 05 December 2006 erroneously identifies REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as co-inventors with the named inventor and thus is not in compliance with 37 CFR 1.497(a) and (b). Since there is no indication that REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING were accepted by the International Bureau under PCT Rule 92*bis* as a co-inventor, it is improper to accept the declaration identifying her as a co-inventor.

CONCLUSION

The declaration executed by REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as joint inventors in the above referenced application is unacceptable and not in

compliance with 37 CFR 1.497(a) and (b). A new declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by sole inventor named in the published international application is required.

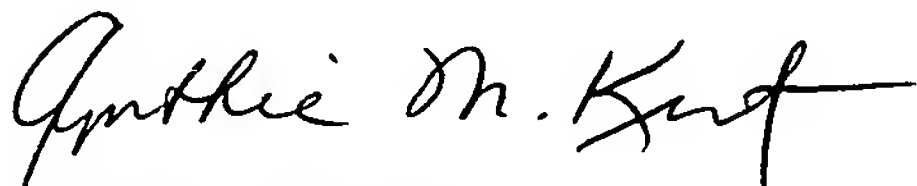
In the alternative, Applicant should forward a copy of the Notification of the Recording of a Change (Form PCT/IB/306) if the correction was accepted by the International Bureau.

If a correction under PCT Rule 92*bis* was not requested, a petition under 37 CFR 1.497(d) to add inventors REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING to this application would be required.

The application will be held in the PCT Legal Office to await applicant's further reply.

Any reconsideration on the merits of the petition under 37 CFR §1.497 must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.497." Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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